

AUTHORIZING MEDALS AND DECORATIONS IN THE UNITED STATES MERCHANT MARINE

JUNE 27, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BONNER, from the Committee on Merchant Marine and Fisheries,
submitted the following

R E P O R T

[To accompany S. 2711]

The Committee on Merchant Marine and Fisheries to whom was referred the bill (S. 2711) to authorize medals and decorations for outstanding and meritorious conduct and service in the United States merchant marine, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of Commerce to give official recognition to acts of heroic conduct or extraordinary skill or service on the part of members of the United States merchant marine, or for service on merchant marine vessels in time of war or national emergency under certain conditions of danger to life; and to issue citations as public evidence of deserved honor and distinction to United States or foreign ships which participate in gallant or outstanding action in marine disasters, etc.

The bill would also repeal, effective July 1, 1954, three laws which provided somewhat similar authority in years past, but which are now inoperative, inasmuch as the periods in which rights could accrue under these statutes have expired.

PROVISIONS OF THE BILL BY SECTIONS

Section 1.—The first section would authorize the Secretary of Commerce to provide, with the concurrence of the Secretary of the Treasury, a distinguished service medal to any person in the United States

merchant marine for distinguished service beyond the line of duty, and a meritorious service medal for meritorious acts or service in line of duty.

Section 2.—Under this section the Secretary of Commerce would be authorized to issue a service ribbon bar to each master, officer, or member of the crew of a United States ship who serves or has served after June 30, 1950 (the Korean conflict), in any time of war, national emergency, or during an operation by the Armed Forces of the United States outside the continental United States under such conditions as the Secretary may prescribe. The bars shall be provided at cost by the Secretary or at reasonable prices by private persons as authorized by the Secretary of Commerce. When lost or defaced, without fault, they may be replaced.

Section 3.—Under this section the Secretary of Commerce would be authorized to issue with the concurrence of the Secretary of the Treasury a citation as evidence of deserved honor to any ship, domestic or foreign, which participates in gallant action in marine disasters or emergencies for the purpose of saving life or property. The Secretary may also award a plaque to such a ship, with a replica thereof for permanent historic record. The master and each person serving on such a ship may also receive a citation ribbon bar. In any case of a proposed award or citation to a foreign ship or to a master or person serving aboard such ship, such award or citation shall be subject to the concurrence of the Secretary of State.

Section 4.—This section prescribes the usual punishment for the unauthorized manufacture, sale, possession, or display of any decoration issued under the act or any imitation thereof.

Section 5.—This section would repeal obsolete laws providing decorations for merchant seamen and relating to eligibility for such decorations for service in World War II. Periods in which rights could accrue under these laws have ended (act of July 25, 1947; 61 Stat. 450-4). They are omitted in the 1952 edition of the United States Code as executed. Notwithstanding the repeals, the Secretary of Commerce would be authorized to make replacements of decorations issued under the repealed laws at cost, or permit replacements at reasonable prices by authorized persons.

BACKGROUND OF PROPOSED LEGISLATION

It is basic human nature to desire recognition and approval for acts or duties well performed, and this is particularly so where the conduct is outstanding, or heroic above and beyond the call of duty. The Nation has always, and very properly, given official recognition to gallantry and heroism of men in its fighting forces. This bill would afford similar official recognition to conduct and actions of outstanding merit performed by members of the American merchant marine, supplementing existing statutes in this field.

Instances of exceptionally skillful or heroic performances by officers and crewmen of American merchant ships, while in the conduct of their peacetime pursuits, are not uncommon. Such acts add luster to the high traditions of our country's seafaring men throughout the years. Formal recognition of such outstanding acts by the Federal Government serves the double useful purpose of rewarding the men

immediately involved and of inspiring all others engaged in shipping operations under the American flag to live up to the highest traditions of their calling.

In view of the importance of the American merchant marine to the Nation's continued prosperity and security, it is highly desirable that all possible reasonable incentives be provided to encourage citizens to adopt seafaring careers, and to remain therein. The present bill is designed to help toward this end.

GENERAL STATEMENT

Public Law 524, 77th Congress (56 Stat. 217), Public Law 52, 78th Congress (57 Stat. 81), and certain Executive orders authorized the Maritime Commission and the Administrator of the War Shipping Administration to issue citations, medals, and decorations to merchant seamen, and plaques to ships. These honors were given mainly for bravery under combat conditions. Public Law 524 was expressly repealed and the operation of Public 52 was terminated by the act of July 25, 1947 (61 Stat. 450). Public Law 698, 79th Congress (60 Stat. 960), authorized issuance of medals and honorable discharge buttons to seamen for war zone service on Government owned and operated vessels in World War II, and to any seaman entitled to receive a certificate of substantially continuous service under Public Law 87, 78th Congress (57 Stat. 162). The operation of these laws was also terminated by the act of July 25, 1947 (61 Stat. 450). All these laws are omitted from the 1952 edition of the United States Code as executed, and the Maritime Administration has revoked all general orders based on these statutes, effective June 30, 1954 (Federal Register, March 31, 1954, vol. 19, p. 1763).

The act approved August 4, 1949 (Public Law 207, 81st Cong., sec. 500; 63 Stat. 536), authorizes the Secretary of the Treasury to award a gold or silver medal for rescue, or endeavor to rescue, from drowning, shipwreck, or other peril of the water, if made or attempted at the risk of life. The occurrence must be in United States waters or, if otherwise, one of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by such a citizen.

Appropriation acts for the Department of State authorize expenditures in the acknowledgment of the service of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad (Public Law 490, 79th Cong.; Public Law 166, 80th Cong.; Public Law 179, 81st Cong.; Public Law 188, 82d Cong.; and Public Law 471, 83d Cong.).

The decorations awarded for World War II services are highly prized by the recipients. Uniformed personnel of the Navy are required to wear merchant marine awards which they earned while serving in the United States merchant marine. Frequently, requests are received by the Maritime Administration from men in the Armed Forces, as well as from their commanding officers, for a certificate of the decorations received, to be made a part of their service records.

This bill, which your committee believes is highly desirable, was unanimously ordered reported to the House.

Departmental reports are as follows:

TREASURY DEPARTMENT,
Washington, March 9, 1956.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to the request of your committee for the views of the Treasury Department on H. R. 4094 and S. 2711.

The former bill would authorize the Secretary of Commerce to award suitable medals to persons in the American merchant marine who distinguish themselves by outstanding and heroic conduct or service in the line of duty. The latter bill would authorize the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, to award merchant marine distinguished service medals and meritorious service medals to persons serving in the United States merchant marine who distinguish themselves by outstanding and meritorious acts or conduct; it would also authorize the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, to issue decorations to ships and to members of their crews for gallant action in marine disasters.

The Treasury Department favors the recognition of outstanding and meritorious conduct and service on the part of United States merchant marine personnel. But since the Treasury Department (Coast Guard) is the Government agency having primary responsibility for the conduct and service of the personnel of the merchant marine, for saving lives and property at sea, and for investigating marine casualties, it is our view that awards should be made jointly by the Secretary of the Treasury and the Secretary of Commerce.

Since S. 2711 is more complete and detailed than H. R. 4094, the Treasury Department recommends consideration of it with amendments to provide for the making of awards jointly by the Secretary of the Treasury and the Secretary of Commerce. A memorandum attached explains more fully the reasons for the recommendation that the bill be amended to provide for joint making of awards. The Department of Commerce has indicated that it would have no objection to amendment of S. 2711 to provide for joint making of awards.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

DAVID W. KENDALL,
Acting Secretary of the Treasury.

MEMORANDUM RE S. 2711, TO AUTHORIZE MEDALS AND DECORATIONS FOR OUTSTANDING AND MERITORIOUS CONDUCT AND SERVICE IN THE UNITED STATES MERCHANT MARINE, AND FOR OTHER PURPOSES

It is recommended that sections 1, 2, and 3 of S. 2711 be amended to provide at least that all awards under the bill be made jointly by the Secretary of Commerce and the Secretary of the Treasury in the name of the United States upon recommendation of a board appointed under regulations to be prescribed jointly by the Secretaries.

The Coast Guard, in the Treasury Department, is the Government's seagoing service having primary responsibility for saving lives and property at sea; enforcing applicable Federal laws at sea; administering laws and promulgating and enforcing regulations for the promotion of safety of life and property at sea; developing, establishing, maintaining and operating rescue facilities; and promoting the efficiency and safety of the American merchant marine.

Among those functions of the Coast Guard relating to the efficiency and safety of the merchant marine are the examining, licensing, and certificating of masters, mates, engineers, pilots, staff officers, and seamen; investigation of marine casualties; revoking and suspending of licenses and certificates; enforcing manning requirements, citizenship requirements, and requirements for mustering and drilling of crews; the control of logbooks, shipping, discharge, protection and welfare of merchant seamen; enforcing safety requirements on vessels; and enforcing the duties of shipowners and officers after accidents.

The Coast Guard is the only agency which maintains a complete record of all the sea service of American Merchant Marine personnel. Shipping articles must be signed before a Coast Guard official and merchant marine personnel discharged before such official. The Coast Guard examines merchant marine personnel for licenses, certificates or papers; may investigate grievances and complaints; must investigate all claims of misconduct, inefficiency or inattention to duty; must investigate all marine casualties and disasters and as a result of such investigation, may admonish merchant marine personnel or revoke or suspend their licenses, certificates, or papers, or recommend criminal action be taken against such individuals by the Department of Justice. All of the above information is a matter of Coast Guard record as is the issuing of certificates of service, certificates of identification, and continuous discharge books to merchant marine personnel. Conduct and service which would merit the recognition contemplated by S. 2711 would first come to the attention of the Coast Guard through its records of shipping, casualties, and merchant marine personnel.

The Secretary of the Treasury is presently authorized to award a gold or silver lifesaving medal to any person for the rescue or endeavor to rescue, from drowning, shipwreck, or other peril of the sea, if made at the risk of life. The Commandant of the Coast Guard issues letters of commendation to merchant marine personnel for outstanding rescue operations which do not qualify for awards of the lifesaving medals. In recognition of the Coast Guard's primary interest and responsibility for safety at sea and its connection with merchant marine personnel, the Commandant of the Coast Guard is annually requested to present one or more of the three ship safety achievement awards sponsored jointly by the marine section of the National Safety Council and the American Merchant Marine Institute.

Since the Treasury Department (Coast Guard) is the department most closely connected with rescues and safety at sea; with the service, activities, performance or duty, and the welfare of United States merchant marine personnel; and with the records of all such activities, the Treasury Department holds the view that the Secretary of the Treasury should participate at least equally with the Secretary of Commerce in recognition of meritorious conduct of merchant marine personnel.

THE SECRETARY OF COMMERCE,
Washington, June 4, 1956.

Hon. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request of February 16, 1956, for the views of this Department with respect to S. 2711, a bill to authorize medals and decorations for outstanding and meritorious conduct and service in the United States merchant marine, and for other purposes.

The act, S. 2711, provides for decorations for outstanding conduct and service in the United States merchant marine, for ribbon bars showing service by seamen in time of war or armed conflict, and for recognition of ships and their crews for gallant action in marine disasters or emergencies. It also repeals certain obsolete World War II laws.

S. 2711 would authorize:

(1) The Secretary of Commerce to provide, with the concurrence of the Secretary of the Treasury, a distinguished service medal to any person in the United States merchant marine for distinguished service beyond the line of duty, and a meritorious service medal for meritorious acts or service in line of duty;

(2) The Secretary of Commerce to issue a service ribbon bar to each master, officer, or member of the crew of a United States ship who serves or has served after June 30, 1950 (the Korean conflict), in any time of war, national emergency, or during an operation by the Armed Forces of the United States outside the continental United States under such conditions as the Secretary may prescribe;

(3) The Secretary of Commerce to issue, with the concurrence of the Secretary of Treasury, a citation as evidence of deserved honor to any ship, domestic or foreign, which participates in gallant action in marine disasters or emergencies for the purpose of saving life or property. The Secretary may also award a plaque to such a ship, with a replica thereof for permanent historic record. The master and each person serving on such a ship may also receive a citation ribbon bar. In any case of a proposed award or citation to a foreign ship or to a master or person serving aboard such ship, such award or citation shall be subject to the concurrence of the Secretary of State.

The bill prescribes the usual provisions for punishment for the unauthorized manufacture, sale, possession, or display of any decoration issued under the act or any limitation thereof.

The bill would repeal obsolete laws providing decorations for merchant seamen and relating to eligibility for such decorations for service in World War II. Periods in which rights could accrue under these laws have ended (act of July 25, 1947; 61 Stat. 450-4). These laws are omitted in the 1952 edition of the United States Code. Notwithstanding the repeals, the Secretary of Commerce would be authorized by the bill to make replacements of decorations issued under the repealed laws at cost, or permit replacements at reasonable prices by authorized persons.

There are occasions in peacetime when bravery of a high order or extraordinary skill is shown by merchant seamen in their struggle against the perils of the sea. Sometimes their bravery and skill re-

sult in saving lives, sometimes property, frequently both. These heroic efforts by our merchant seamen do not, in the absence of statutory authority, receive appropriate recognition by our Government.

Existing laws do not make adequate provision for the cases covered in the proposed bill.

The act approved August 4, 1949 (Public Law 207, 81st Cong., sec. 500; 63 Stat. 536), authorized the Secretary of the Treasury to to award a gold or silver medal for rescue, or endeavor to rescue, from drowning, shipwreck, or other peril of the water, if made or attempted at the risk of life. The occurrence must be in United States waters or, if otherwise, one of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by such a citizen.

Appropriation acts for the Department of State authorize expenditures in the acknowledgment of the service of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad (Public Law 471, 83d Cong.; Public Law 133, 84th Cong.).

Our merchant marine is essential to the national defense and security. Provision should be made to publicly recognize the deeds of the American seamen which deserve the esteem of the people. Official recognition of acts of bravery by the award of decorations would help accomplish this purpose.

The decorations awarded for World War II services are highly prized by the recipients. Uniformed personnel of the Navy are required to wear merchant marine awards which they earned while serving in the United States merchant marine. Frequently, requests are received by the Maritime Administration from men in the Armed Forces, as well as from their commanding officers, for a certificate of the decorations received, to be made a part of their service records.

The Department recommends enactment of S. 2711.

It is estimated that the funds required to carry out the provisions of this legislation would not exceed \$5,000 for the first year.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to the committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

Section 5 provides for the repeal of certain acts of Congress effective July 1, 1954.

(1) The act entitled "To provide for the issuance of devices in recognition of the services of merchant sailors," approved May 10, 1943, as amended (U. S. C. title 50, War, appendix, secs. 753a-753f) was a wartime statute and sections 753a-753e became inapplicable at the end of World War II. Section 753f is as follows:

[The manufacture, sale, possession, or display of any insignia, decoration, medal, award, or device, or the ribbon, button, or rosette thereof, or any colorable imitation of any insignia, decoration, medal, award, or device, provided for in this Act, or the Act of April 11, 1942 (Public Law 524, Seventy-seventh Congress; 56 Stat. 217), or any Executive order issued thereunder, or Executive Order 9472 of August 29, 1944 (9 F. R. 10613), as amended by Executive Order

9692 of February 5, 1946 (11 F. R. 1421) or section 216 of the Merchant Marine Act, 1936, as amended [section 1126 of Title 46], or in any rule or regulation issued pursuant to any such Acts or Executive orders, is prohibited, except as authorized under any such Acts or Executive orders, or any rule or regulation issued pursuant thereto. Whoever violates any provision of this section shall be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or both. (May 10, 1943, ch. 96, § 7, as added July 31, 1945, ch. 337, 59 Stat. 511, and amended August 7, 1946, ch. 786, 60 Stat. 884.)

(2) The act entitled "Providing for a medal for service in the merchant marine during the present war," approved August 8, 1946 (U. S. C., title 50, War, appendix, secs. 754-754b), was a wartime statute and section 754a became inapplicable at the end of World War II. Section 754b is as follows:

The manufacture, sale, possession, or display of any insignia, decoration, medal, award, or device, or the ribbon, button, or rosette thereof, or any colorable imitation of any insignia, decoration, medal, award, or device, provided for in this Act, is prohibited, except as authorized under such Act or any rule or regulation issued pursuant thereto. Whoever violates any provisions of this section shall be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or both. (August 8, 1956, ch. 918, § 3, 60 Stat. 960.)

(3) The act entitled "To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943, as amended (U. S. C. title 50, War, appendix, secs. 1471-1475) was a wartime statute and became inapplicable after termination of World War II.

